

AF/2863  
IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Eitan MARCUS  
Application No.: 10/040,940  
Filed: January 9, 2002  
For: ADAPTIVE TEST GÉNERATION



Art Unit: 2863  
Examiner: X. Sun  
Washington, D.C.  
Atty.'s Docket: ADIR=1  
Date: December 8, 2004  
Confirmation No. 5128

Customer Window, Mail Stop Amendments  
THE COMMISSIONER OF PATENTS  
2011 South Clark Place, Mail Stop  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

Transmitted herewith is an Response in the above-identified application.

- ☐ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.  
☒ No additional fee is required.  
☐ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 22	MINUS	** 53	0
INDEP.	* 4	MINUS	*** 6	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 44	\$
+ 150	\$
ADDITIONAL FEE TOTAL	
	\$

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 88	\$
+ 300	\$
TOTAL	
	\$

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity  
Response Filed Within  
☐ First - \$ 55.00  
☐ Second - \$ 215.00  
☐ Third - \$ 490.00  
☐ Fourth - \$ 765.00  
Month After Time Period Set

Other Than Small Entity  
Response Filed Within  
☐ First - \$ 110.00  
☐ Second - \$ 430.00  
☐ Third - \$ 980.00  
☐ Fourth - \$ 1530.00  
Month After Time Period Set

- ☐ Less fees (\$ ) already paid for month(s) extension of time on .  
☐ Please charge my Deposit Account No. 02-4035 in the amount of \$ .  
☐ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ .  
☐ A check in the amount of \$ is attached (check no. ).

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

By:   
Ronni S. Jillions  
Registration No. 31,279

Facsimile: (202) 737-3528  
Telephone: (202) 628-5197



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

ATTY.'S DOCKET: ADIR=1

In re Application of:	)	Art Unit: 2863
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Eitan MARCUS et. al	)	Examiner: X. Sun
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Appln. No.: 10/040940	)	Washington, D.C.
	)	
Filed: January 9, 2002	)	Confirmation No. 5128
	)	
For: ADAPTIVE TEST GENERATION	)	December 8, 2004
	)	

**RESPONSE TO OFFICIAL ACTION UNDER 37 C.F.R. § 1.116**

Customer Window, Mail Stop Amendments AF  
Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

Replying to the Office Action mailed October 12,  
2004, reconsideration is respectfully requested:

**Rejections under 35 U.S.C. § 103**

**First Rejection.**

Claims 54-65 and 71-75 were rejected under  
35 U.S.C. § 103(a) as being unpatentable over Shrote, U.S.  
Patent No. 5,774,358 in view of Liu, U.S. Publication  
20030158720. This rejection is respectfully traversed.